

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

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ALMA AND GREGORY RUSH,

Plaintiff,

vs.

PORTFOLIO RECOVERY  
ASSOCIATES, LLC,

Defendant.

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Hon. Freda L. Wolfson

Civil Action No.: 12-cv-02276-FLW-DEA

**DECLARATION OF THOMAS R. DOMINCZYK**  
**IN SUPPORT OF DISCOVERY CONFIDENTIALITY ORDER**

1. I am an attorney at law licensed in the State of New Jersey and a member of the law firm of Maurice & Needleman, P.C., attorneys for Defendant Portfolio Recovery Associates, LLC (“PRA”) in the within matter.

2. Counsel for the parties have agreed to a form of Discovery Confidentiality Order which is the form of order appearing as Appendix S to the Local Civil Rules (the “Proposed Order”).

3. This matter concerns a claim under 15 U.S.C. § 1692, et seq., the Fair Debt Collection Practices Act (the “FDCPA”).

4. The Plaintiff alleges PRA violated the FDCPA in an attempt to collect a debt from him. PRA denies the allegation.

5. It is contemplated that Plaintiff will seek production of documents and things concerning its efforts to collect the alleged debt and its business practices.

6. The materials to be kept confidential by the Proposed Order are documents and things which contain non-public and personal information concerning the Plaintiff or other natural persons including, but not limited to, social security numbers, dates of birth, unpublished telephone numbers and financial information such as income, assets, debt and employment status or medical treatments.

7. There are legitimate private interests to be protected by the Proposed Order; namely, to protect individuals' expectations that their non-public, personal information will not become publically available.

8. There are legitimate public interests to be protected by the Proposed Order; namely, to avoid injury resulting from the use of non-public personal information to obtain credit under another's name (commonly known as identify theft).

9. If the Proposed Order were not entered, non-public personal information can be used by others to obtain credit under another's name (commonly known as identify theft), impersonate an individual or may cause public embarrassment through the disclosure of debts or medical treatment.

10. PRA's business is primarily the purchase of defaulted receivables. The manner, means and terms under which PRA purchases defaulted receivables provides PRA with unique advantages against its competitors.

11. PRA's business also includes the collection of the defaulted receivables it purchases. The manner and means by which PRA collects its receivables provides its business a competitive advantage.

12. PRA is a publically traded company.

13. PRA protects this information in the ordinary course of its business.

14. The Proposed Order is also made to prevent the disclosure of PRA's business and/or trade secrets including, but not limited to, its agreements to purchase receivables, the manner and means in which it purchases receivables and the methodology it employs to collect these receivables.

15. PRA has a legitimate interest in protecting these documents and things because their public disclosure will risk the loss of the business advantages it now enjoys from its competitors; particularly as to the pricing and terms of purchase. Further, PRA's purchase and sale agreements often contain confidentiality clauses.

16. PRA has a legitimate interest in protecting the methodology used to collect its receivables. PRA's methodology has been developed over many years at extraordinary cost and expense. PRA's efforts over this time cannot be easily duplicated by its competitors and give PRA unique advantages in the conduct of its business.

17. The public disclosure of these materials can cause PRA serious injury by the loss its competitive advantages identified above.

18. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: March 6, 2013

/s/ Thomas R. Dominczyk  
Thomas R. Dominczyk  
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